

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
NE/S Gunpowder Road, 50 ft. W of Fred Avon Road  
7212 Gunpowder Road  
15th Election District  
14th Councilmanic District  
Darl J. Williams, et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 91-414-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (garage) in the side yard in lieu of the required rear yard and to amend the final development plan of Gunpowder Green, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 7212 Gunpowder Road, improved with a single family dwelling, zoned D.R.5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners' petition and documents are contained within the file and have established a request for an accessory free standing garage in the side yard.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

This project is contained within the Chesapeake Bay Critical Area and comments have not been received from the Department of Environmental Protections and Resource Management (DEPRM). The Petitioners will be required to comply with all Chesapeake Bay Area requirements issued by DEPRM as a condition of this Order.

After due consideration of the evidence in the file, in the opinion of the Zoning Commissioner, the requested relief complies with Sections 307.1 and 307.2 of the B.C.Z.R.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of June, 1991 that the Petitor for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (garage) in the side yard in lieu of the required rear yard and to amend the final development plan of Gunpowder Green, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The

garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/mm  
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 to permit an existing accessory structure (garage) in the side yard in lieu of the required rear yard and to amend the final development plan of GUNPOWDER GREEN

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):  
1) Shape of lot is triangular, garage cannot be put anywhere else.  
2) There are many trees on rear and side of lot.  
3) We have two new vehicles and would like to keep them in good shape.  
4) It's a small house, need more storage space.  
Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 30 day of May, 1991, that the subject matter of this petition be posted on the property on or before the 15th day of MAY, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 30 day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 15th day of May, 1991, at 10:00 o'clock, A.M.

ORDER RECEIVED FOR FILING  
Date  
By

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-414-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 7212 Gunpowder Rd  
Baltimore, Md 21226  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

- 1) Shape of lot is triangular, garage cannot be put anywhere else.
- 2) There are many trees on rear and side of lot.
- 3) We have two new vehicles and would like to keep them in good shape.
- 4) It's a small house, need more storage space.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

*Darl J. Williams*  
AFFIANT (Handwritten Signature)

*Darl J. Williams*  
AFFIANT (Printed Name)

*Elizabeth W. Williams*  
AFFIANT (Handwritten Signature)

*Elizabeth W. Williams*  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of April, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Darl J. & Elizabeth W. Williams

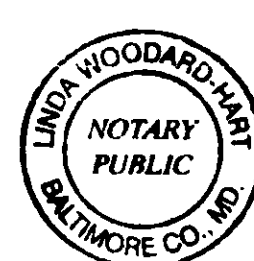
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

30 April 1991  
DATE

*Leslie Woodard Blair*  
NOTARY PUBLIC

My Commission Expires: July 1995



CRITICAL AREA

ZONING DESCRIPTION

91-414-A

Beginning at a point on the northeast side of Gunpowder Rd. which is 60 FT wide at the distance of 50' WEST of the centerline of the nearest improved intersecting street which is 18th AVENUE RD wide. Being lot # 7, Block —, Section # — in the subdivision of Gunpowder Green as recorded in Baltimore County Plat Book # 40 Folio #122, containing .33 acres in lot. Also known as 7212 Gunpowder Rd. and located in the #15 Election District.

BEING KNOWN AND DESIGNATED AS Lot No. 7 as shown on Plat entitled "Gunpowder Green" which Plat is recorded among the Land Records of BALTIMORE COUNTY in Plat Book # 40 Folio # 122 E.B.R., Jr., No. 6638, folio 189. The Improvements thereon being known as No. 7212 Gunpowder Road.

I ACCEPT FULL RESPONSIBILITY FOR THE ACCURACY OF ALL INFORMATION PLACED ON THIS DESCRIPTION AND SUBMITTED HEARING PLANS BY BALTIMORE COUNTY

*Darl Williams* April 24, 1991

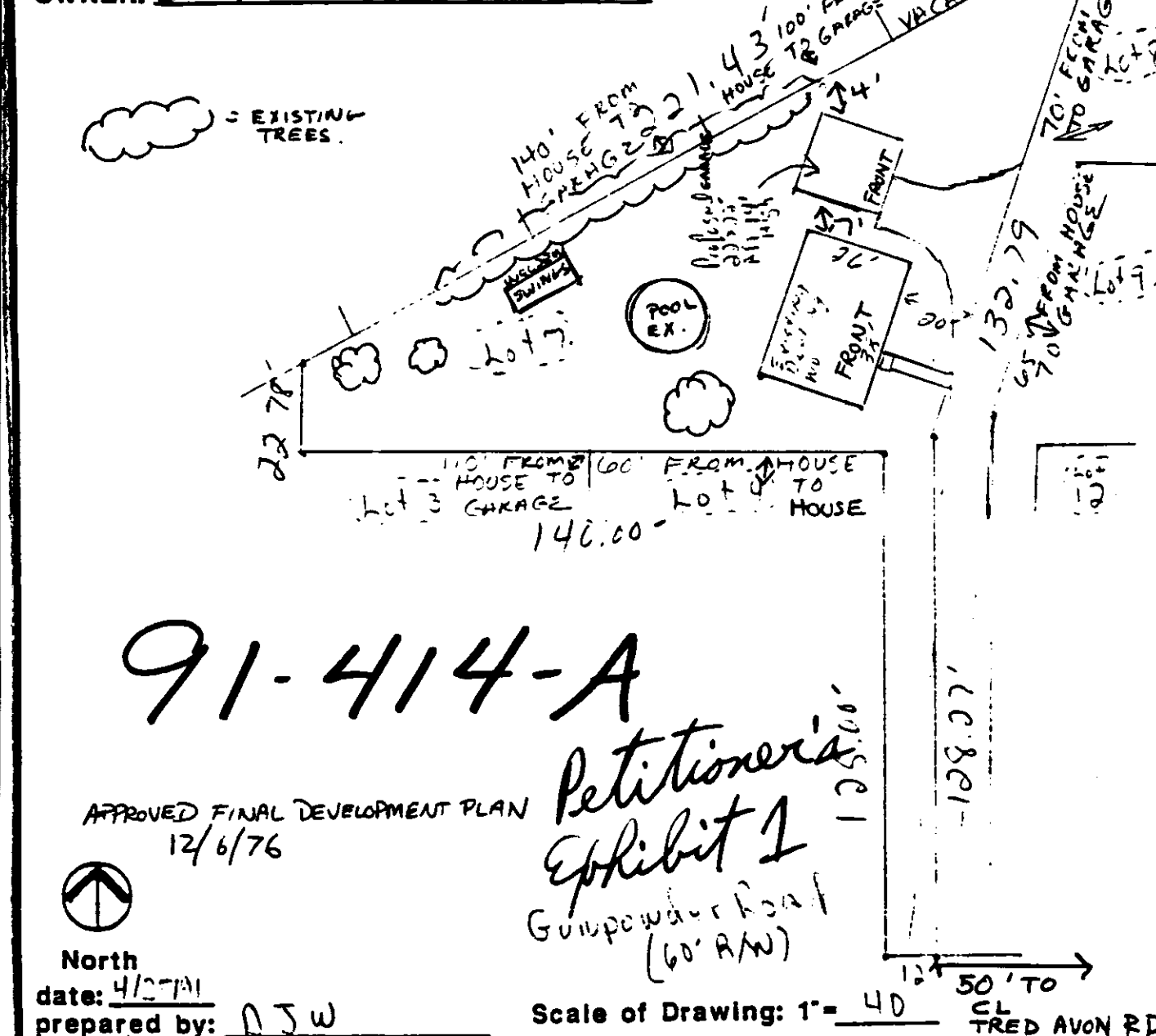
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 7212 Gunpowder Rd see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Gunpowder Green

Plat book # 40 Folio # 122 lot # 7 section # —

OWNER: Darl & Elizabeth Williams



Vicinity Map  
Scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 5

Election District: 15

1"=200' scale map:

Zoning: DR 55

Lot size: .33 square feet

SEWER: ☒ YES ☐ NO

WATER: ☒ YES ☐ NO

Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: JDH ITEM #: 414 CASE: CRITICAL AREA

date: 4/27/91

prepared by: NSW

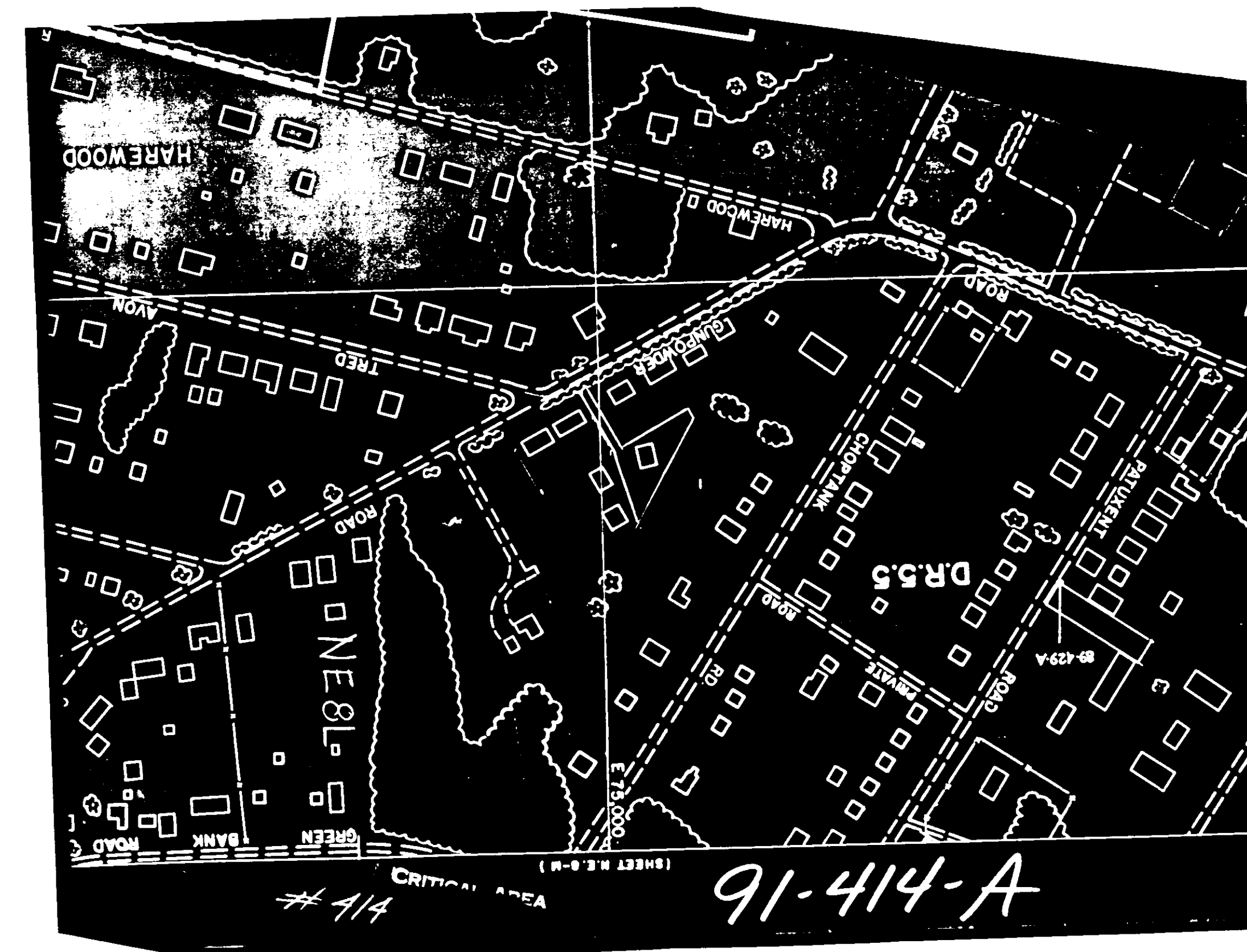
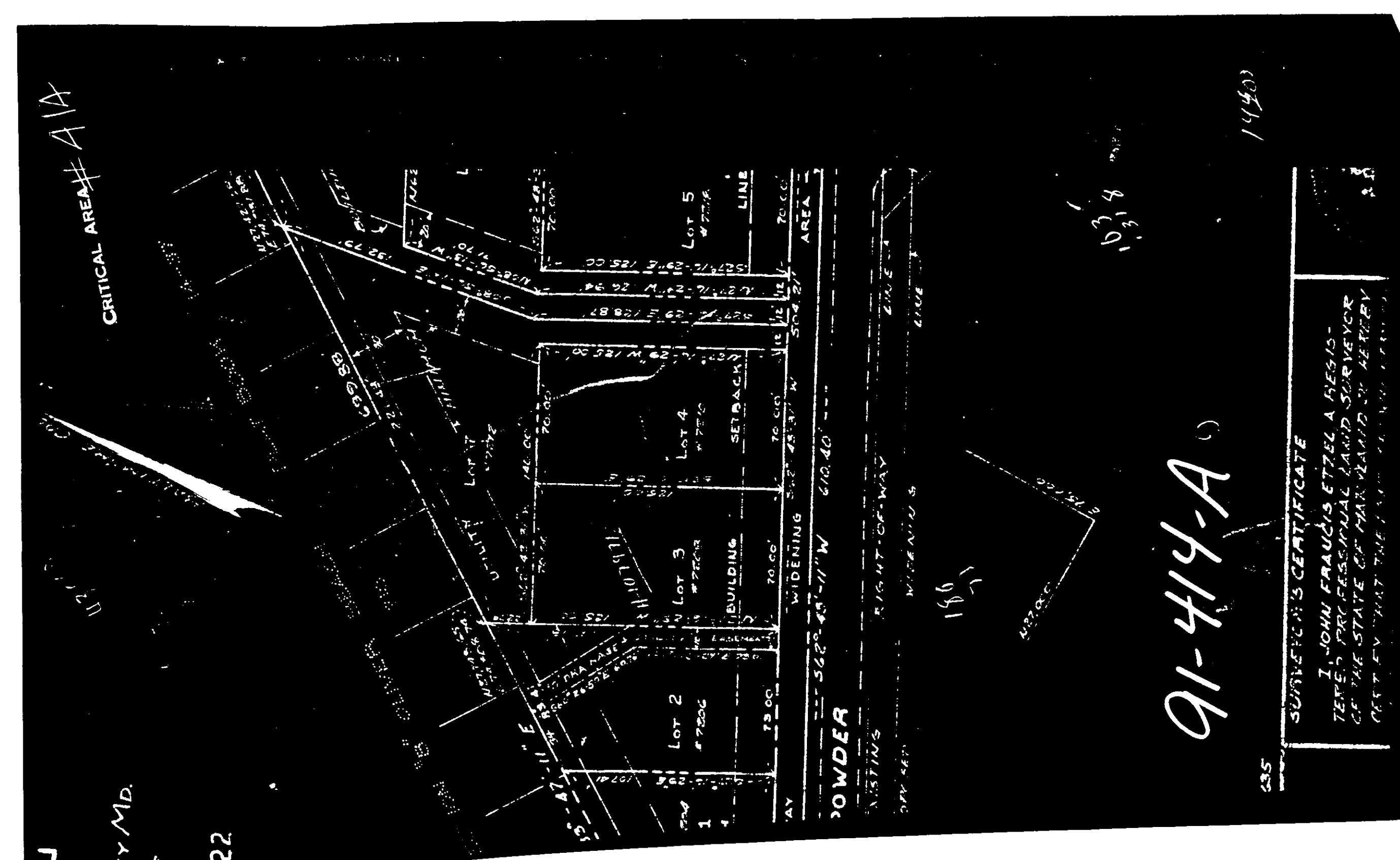
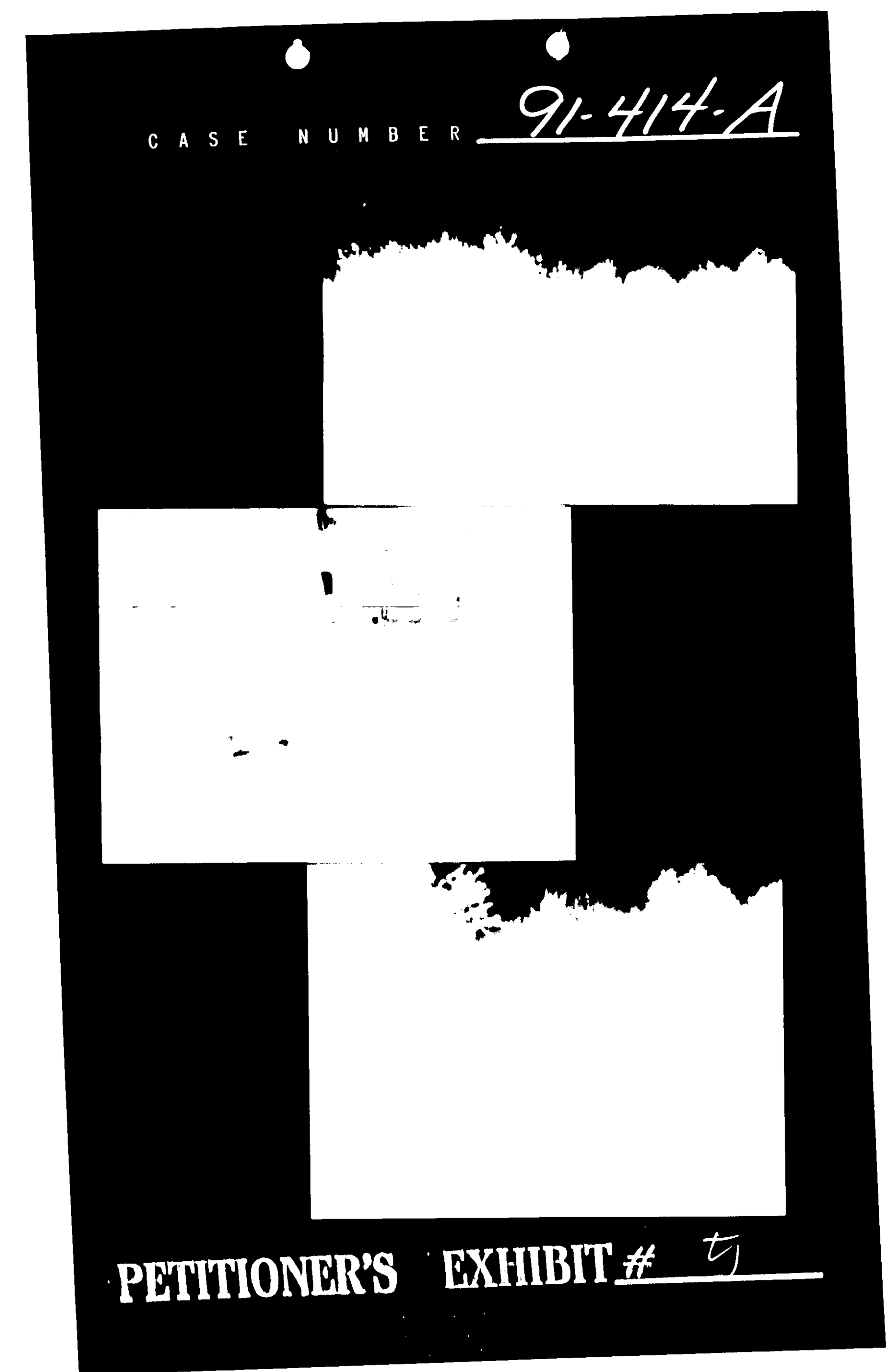
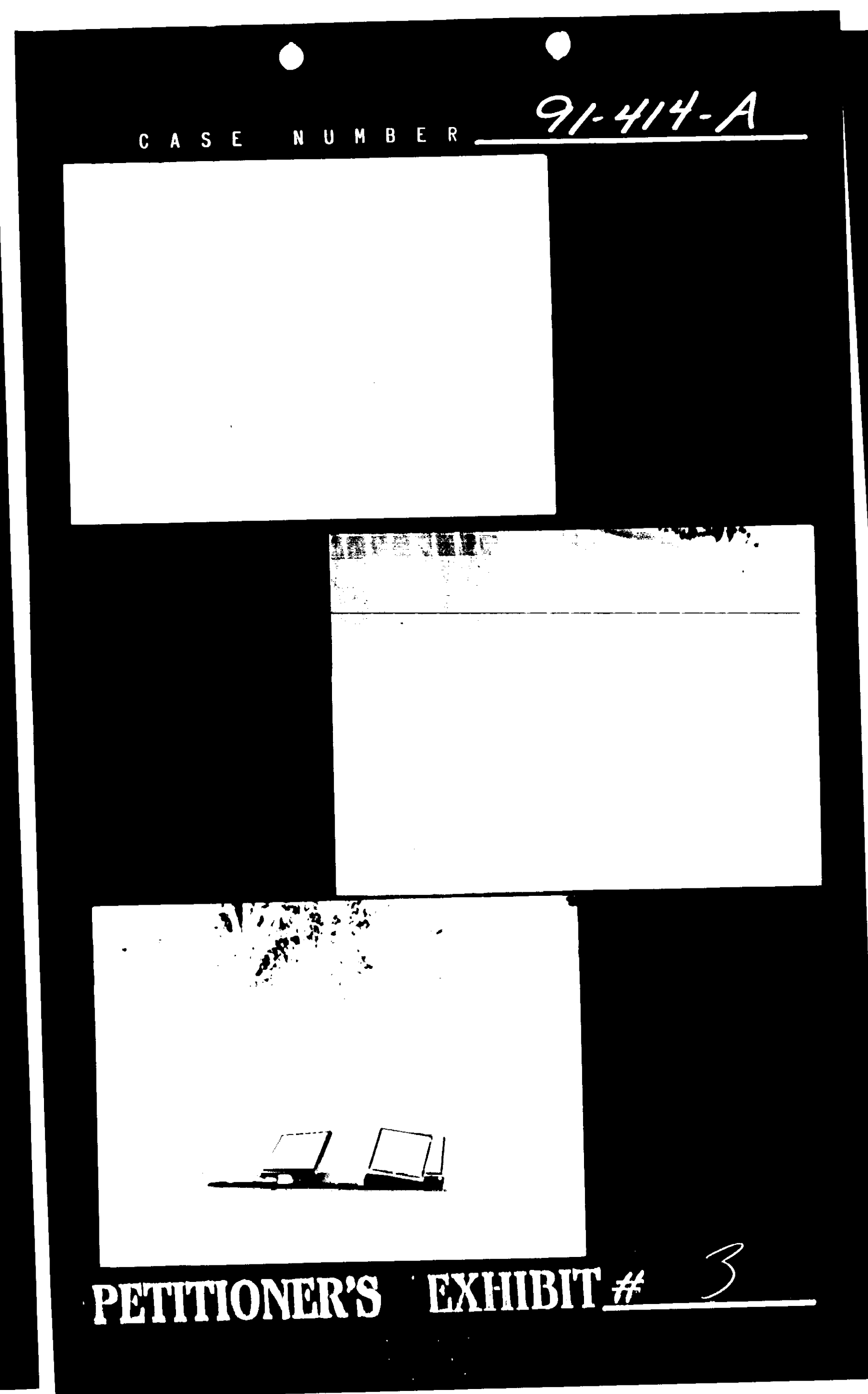
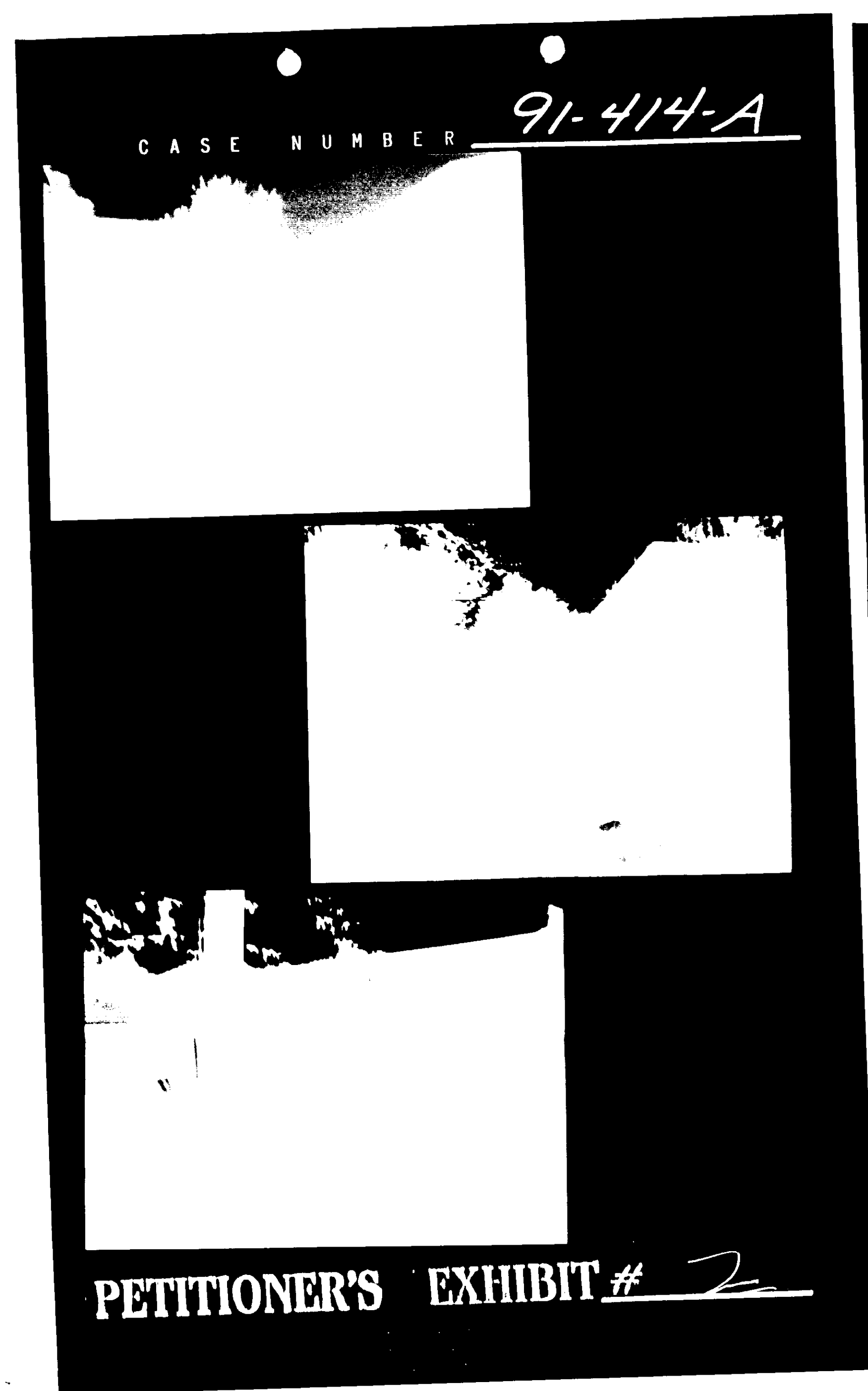
Scale of Drawing: 1"= 40'

To Whom It May Concern,

I am an immediate neighbor of 7212 Gunpowder Rd. and do not have any objections to the building of a garage on it.

91-414-A

*Donna Parker* 7216 Gunpowder  
*Fredrick C. Roemer* 8. 13114 Choptank  
*Michael B. Hartnett* 13117 Choptank  
*Joseph F. & Mary* 13201 Choptank  
*Kenneth L. Hart* 13111 Choptank  
*Wayne Hannon* 13119 Choptank  
*William J. Hane* 7216 Gunpowder Rd  
*Sandra Brown* 7213 Gunpowder Rd  
*Paul B. Small* 7206 Gunpowder Rd  
*Petitioners Exhibit 6*



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

May 15, 1991

887-3353

Mr. & Mrs. Darl J. Williams  
7212 Gunpowder Road  
Baltimore, MD 21220

RE: Item No. 414, Case No. 91-414-A  
Petitioner: Darl J. Williams, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 4, 1991

Mr. and Mrs. Darl J. Williams  
7212 Gunpowder Road  
Baltimore, Maryland 21220

RE: Petition for Residential Zoning Variance  
Case No. 91-414-A

Dear Mr. and Mrs. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm  
encl.  
cc: Peoples Counsel

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 30th day of April, 1991.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Darl J. Williams, et ux

Petitioner's Attorney:

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines  
Zoning Commissioner  
FROM: Rahee J. Famill  
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 14, 1991

This office has no comments for items number 413, 414, 415, 416, 417, 418, 419, 420, 421, 422 and 423.

*Rahee J. Famill*  
Rahee J. Famill  
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 15, 1991  
FROM: Dennis A. Kennedy, P.E.  
RE: Zoning Advisory Committee Meeting  
for May 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 413, 416, 418, 420, 422 and 423.

For Item 417, the previous County Review Group Meeting comments are still applicable. The panhandle to Lot 3 should be 20 feet between Lots 1 and 2.

For Item 419, the previous County Review Group Meeting comments are still applicable.

For Item 414, a 10-foot drainage and utility easement exists along the north property line, as shown on record plat 40/122. No permanent structures are allowed within County easements.

For Item 415, a County Review Group Meeting is required.

For Item 421, this site must be submitted through the minor subdivision process for review and comments.

*Dennis A. Kennedy*  
Dennis A. Kennedy, P.E., Acting Chief,  
Developers Engineering Division

DAK:s

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: June 3, 1991  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Darl J. Williams, Item No. 414

In reference to the petitioner's requested variance, the staff offers the following comments:

A restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM414/2AC1

received

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

AUGUST 6, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: DARL J. WILLIAMS  
Location: #7212 GUNPOWDER ROAD  
Item No.: 414 Zoning Agenda: MAY 14, 1991  
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* Noted and  
Planning/Group Approved  
Special Inspection Division Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner  
DATE: July 22, 1991  
FROM: Mr. J. James Dieter, Director  
SUBJECT: Petition for Zoning Variance - Item 414  
Williams Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7212 Gunpowder Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Daryl J. Williams

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit "an existing accessory structure (garage) in the side yard in lieu of the required rear yard and to amend the final development plan of Gunpowder Green."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>